

# UNITED STATES DISTRICT COURT

Feb 12, 2019

SEAN F. MCAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs.

Weikert Jr., Frederick

Docket No.

2:17CR00128-RMP-10

## Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, U.S. Probation Officer, presenting an official report upon the conduct of defendant Frederick Weikert Jr., who was placed under a pretrial diversion agreement for a period of 24 months by the Honorable Rosanna Malouf Peterson, U.S. District Judge, sitting in the Court at Spokane, Washington, on the December 17, 2017.

On December 6, 2018, Frederick Weikert Jr., appeared before the Honorable Rosanna Malouf Peterson, U.S. District Judge, in Spokane, Washington, after a petition was submitted to the Court alleging Mr. Weikert had been arrested for possession of a controlled substance. The Court released Mr. Weikert under the following modified conditions of pretrial diversion:

**Condition #1:** Defendant shall not commit another federal, state or local crime.

**Condition #7:** Defendant shall abstain from the possession, use, and distribution of a narcotic drug or other controlled substances, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner. Defendant shall not possess or use marijuana in any amount, regardless of whether he has a prescription by a licensed medical practitioner.

### RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #2:** Frederick Weikert Jr., is alleged to have been arrested for allegedly violating a temporary protection order on February 2, 2019.

On January 2, 2018, the undersigned officer reviewed the conditions of the pretrial diversion agreement with Mr. Weikert. He acknowledged an understanding of his conditions, which included a condition that he not violate any laws.

On December 6, 2018, Mr. Weikert appeared before the Honorable Rosanna Malouf Peterson, U.S. District Judge, for a pretrial diversion violation hearing. The Court modified the conditions of Mr. Weikert's pretrial diversion agreement, which included condition number 1.

On January 25, 2019, the undersigned officer reviewed the modified conditions of the pretrial diversion agreement. Mr. Weikert demonstrated an understanding of the conditions, which included condition number 1.

The following information was gathered from Spokane County Sheriff's Office (SCSO) report number 2019-10015479.

On February 2, 2019, at 8:43 p.m., deputies with the Spokane County Sheriff's Office responded to Mr. Weikert's residence on a suicidal call. Dispatch advised Mr. Weikert called the crisis help line stating he was suicidal and had cut himself.

While en route to the residence, a responding deputy confirmed Mr. Weikert was listed as the respondent on a recent domestic violence no contact order. The petitioner was LaDonna F. Taylor. Dispatch sent a copy of the no contact order number 19-2573, which was signed by a judge on January 20, 2019. Mr. Weikert had also signed the order acknowledging its receipt.

Upon arrival, Mr. Weikert and Ms. Taylor were inside a trailer. Mr. Weikert and Ms. Taylor exited the trailer and deputies interviewed them.

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Ms. Taylor advised Mr. Weikert arrived at the trailer 2 days earlier. She reportedly stated Mr. Weikert's residence had been destroyed by fire and he had no where to live.

Earlier on February 2, 2019, Ms. Taylor indicated Mr. Weikert became depressed about his house being destroyed and made suicidal statements. He reportedly obtained a knife and placed it to his throat, but Ms. Taylor took the knife and hid it in the trailer.

Ms. Taylor stated Mr. Weikert did not threaten her in anyway with the knife, nor did he assault her.

Another deputy interviewed Mr. Weikert. No weapons were found on his person. Mr. Weikert showed the deputy some scratches on his neck that appeared to be superficial fingernail scratches rather than knife cuts. He did not appear to need medical attention. Mr. Weikert told the deputy he was feeling suicidal in part because it was his son's birthday and he was not allowed to see him.

Once it was determined he was not in need of emergent medical attention, the deputy read Mr. Weikert his Constitutional Rights and questioned him about possibly violating a no contact order. He agreed to speak to the deputy without an attorney present.

When asked if he was aware of the no contact order between he and Ms. Taylor, Mr. Weikert responded, "oh shoot...I must have forgot." He indicated Ms. Taylor had been with him at the trailer to care for him as he was feeling suicidal. He reported she arrived at the trailer on or about January 25, 2019. He further stated his federal probation officer (the undersigned) had been at the trailer on February 1, 2019. He told the deputy that he had been completely honest with the undersigned officer about the no contact order, which contradicted his statement about forgetting about the order earlier.

Subsequently, Mr. Weikert was taken into custody for violating a temporary no contact order.

Mr. Weikert has been formally charged in Spokane County District Court, case number 9Z0114497, with violation of a temporary restraining order. Available records indicate Mr. Weikert is scheduled to appear in Spokane County District Court for an arraignment in this matter on February 12, 2019.

**Violation #3:** Frederick Weikert Jr., is alleged to admitted to ingesting methamphetamine sporadically while under his pretrial diversion agreement on January 25, 2019.

On December 6, 2018, Mr. Weikert appeared before the Honorable Rosanna Malouf Peterson, U.S. District Judge, for a pretrial diversion violation hearing. The Court modified the conditions of Mr. Weikert's pretrial diversion agreement, which included condition number 7.

On January 25, 2019, the undersigned officer reviewed the modified conditions of the pretrial diversion agreement. Mr. Weikert demonstrated an understanding of the conditions, which included condition number 1.

On January 25, 2019, Mr. Weikert reported to the U.S. Probation Office and met with the undersigned officer. During this meeting, Mr. Weikert admitted to using methamphetamine sporadically while under his pretrial diversion agreement. His last reported use of methamphetamine at that time was approximately 2 weeks earlier. Mr. Weikert signed a substance abuse admission form acknowledging his use of methamphetamine.

PRAYING THAT THE COURT WILL INCORPORATE THE ABOVE VIOLATION WITH VIOLATION  
PREVIOUSLY REPORTED TO THE COURT

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I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: February 12, 2019

by s/Erik Carlson

Erik Carlson  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this  
petition with the other violations pending before the  
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

2/12/2019

Date